

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETS Payphones, Inc. :
Plaintiff, :
v. : Civil Action No. 04-389-KAJ
Dean Hollis Velazco, et al. :
Defendant. :

**CERTIFICATION OF COUNSEL REGARDING
STIPULATION AND ORDER STAYING CASE**

On January 13, 2006, the Plaintiff and the Defendants (collectively, the "Parties") in the above-captioned litigation submitted a letter (the "Letter Request") to the Court requesting that the pending trial be removed from the Court's calendar and a continuance of all remaining deadlines. The Letter Request is attached hereto as Exhibit 1.

At direction of the Court, the Parties have stipulated to stay the case. Attached hereto as Exhibit 2 is a proposed order (the "Order") approving the Stipulation and Order Staying Case (the "Stipulation") which is attached to the Order as Exhibit A.

The Parties respectfully request that the Court enter the Order at the Court's earliest convenience without further notice or hearing.

Dated: January 31, 2006

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EXHIBIT 1

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January 13, 2006

BY HAND DELIVERY

The Honorable Kent A. Jordan
 United States District Court for the
 District of Delaware
 J. Caleb Boggs Federal Building
 844 North King Street, Room 6100
 Lockbox 10
 Wilmington, DE 19801

Re: ETS Payphones, Inc. v. Dean Hollis Velazco, et al., Civil Action No. 04-389-KAJ

Dear Judge Jordan:

The parties previously reported to the Court that, after mediation before Magistrate Thynge, this matter had been resolved and that the parties were in the process of working on the settlement papers. While the parties still have an agreement in principle, we have not yet been able to finalize the settlement documents largely as a result of delays in coordinating certain issues that implicate Mexican law.

As this trial is currently scheduled for March 2006, and as the parties do have an agreement in principle, the parties respectfully request that the trial be removed from the Court's calendar, and that the Court grant a continuance of 90 days on all deadlines in the referenced matter so that the parties might (i) effectuate a settlement in principle that has been agreed to, but has been slow to document due to issues of Mexican law that must be coordinated, and (ii) avoid prejudice to the defendants, whose lead counsel is scheduled to begin her maternity leave on January 13, 2006.

YOUNG CONAWAY STARGATT & TAYLOR, LLP
The Honorable Kent A. Jordan
January 13, 2006
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Thank you for your consideration of this matter. The parties are available should Your Honor have any questions.

Respectfully submitted,



Sean M. Beach

cc: Marla Rosoff Eskin, Esq. (by hand delivery)
Jonathan W. Jordan, Esq. (by electronic delivery)

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETS Payphones, Inc. :
: Plaintiff,
v. : Civil Action No. 04-389-KAJ
: Dean Hollis Velazco, et al.
: Defendant.

ORDER APPROVING STIPULATION AND ORDER STAYING CASE

Upon the Stipulation and Order Staying Case (the "Stipulation"), attached hereto as Exhibit A, as agreed by and between the above-captioned Plaintiff and Defendants, it is hereby

ORDERED that the Stipulation is approved; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the interpretation or implementation of this Order or the Stipulation.

Dated: February ____, 2006

KENT A. JORDAN
UNITED STATES DISTRICT COURT JUDGE

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETS Payphones, Inc. :
:
Plaintiff, :
:
v. : Civil Action No. 04-389-KAJ
:
Dean Hollis Velazco, et al. :
:
Defendant. :

STIPULATION AND ORDER STAYING CASE

The above-captioned Plaintiff and Defendants (the "Parties") to the above-captioned action (the "Action") hereby stipulate, subject to the approval of the Court, as follows:

1. The Action shall be and hereby is stayed in its entirety, subject to further order of the Court.

2. The stay is without prejudice to the rights of the Parties to: (i) move the Court to terminate the stay at anytime; or (ii) fully prosecute the Action in the event the stay is terminated.

3. The stay is warranted to afford the Parties additional time to document their settlement in principle.

Dated: January 31, 2006

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